

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JEFFRY HAMILTON,

Plaintiff,

Case No. 21-12054

v.

Honorable Nancy G. Edmunds

ROSILYN JINDELL and  
CORIZON HEALTH, INC.,

Defendants.

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**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S  
NOVEMBER 28, 2022 REPORT AND RECOMMENDATION [28]**

This is a pro se prisoner civil rights lawsuit filed under 42 U.S.C. § 1983 by Plaintiff Jeffry Hamilton against Defendants Rosilyn Jindal and Corizon Health, Inc., bringing Eighth Amendment deliberate indifference, First Amendment retaliation, and ADA claims. (ECF No. 1.) The case has been referred to Magistrate Judge David R. Grand for all pre-trial matters. (ECF No. 15.) Before the Court is the Magistrate Judge's report and recommendation to grant Defendants' motion for summary judgment. (ECF No. 28.) Plaintiff has filed an objection to the report. (ECF No. 29.) For the reasons below, the Court **OVERRULES** Plaintiff's objection and **ACCEPTS AND ADOPTS** the Magistrate Judge's report and recommendation.

**I. Standard of Review**

Under Federal Rule of Civil Procedure 72(b)(3), "[t]he district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive

further evidence; or return the matter to the magistrate judge with instructions.” See *also* 28 U.S.C. § 636(b)(1).

## **II. Analysis**

The Magistrate Judge concludes that Defendants are entitled to summary judgment on Plaintiff’s deliberate indifference, retaliation, and ADA claims. No party has objected to the Magistrate Judge’s findings regarding the deliberate indifference and ADA claims. “[T]he failure to object to the magistrate judge’s report[] releases the Court from its duty to independently review the matter.” *Hall v. Rawal*, No. 09-10933, 2012 U.S. Dist. LEXIS 120541, at \*2 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). The Court nevertheless agrees with the Magistrate Judge and accepts and adopts the analysis of these claims.

Plaintiff objects to the Magistrate Judge’s recommendation regarding his retaliation claim. More specifically, he takes issue with the Magistrate Judge’s finding that Plaintiff failed to present evidence demonstrating that he was actually subjected to an adverse action. Plaintiff argues that Defendant’s act of deleting his special accommodations constitutes an adverse act. The Magistrate Judge carefully reviewed the record, however, and found that despite the encounter with Defendant Jindal during which she allegedly stated she deleted Plaintiff’s special accommodations, there is no evidence that Plaintiff was ever ordered to relinquish any of his supplies or actively denied the use of any accommodation during the relevant time period. Moreover, when Plaintiff raised his concerns with prison officials, he was reassured that his special accommodations remained intact. Thus, Plaintiff’s objection is overruled, and the Court grants Defendants’ motion with regard to all of Plaintiff’s claims as recommended by the Magistrate Judge.

### **III. Conclusion**

For the foregoing reasons, the Court OVERRULES Plaintiff's objection and ACCEPTS AND ADOPTS the Magistrate Judge's report and recommendation (ECF No. 28). Accordingly, Defendants' motion for summary judgment (ECF No. 19) is GRANTED.

SO ORDERED.

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: December 19, 2022

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 19, 2022, by electronic and/or ordinary mail.

s/Lisa Bartlett  
Case Manager